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When the Secretary Says Observation Is Violence, 'Get the Fuck Out of the Car'

By Jeffrey Wernick January 17, 2026

Kristi Noem told the country that videotaping ICE agents is violence. She did not walk it back. At a press conference in Tampa in July 2025, the Secretary of Homeland Security stated explicitly: “Violence is anything that threatens them and their safety, so it is doxing them, it’s videotaping them where they’re at when they’re out on operations”.

This is not a legal gray area. Seven federal circuit courts have held that the **First Amendment protects the right to record police** performing their duties in public. The circuits do not disagree; the law is settled. A citizen standing on a public sidewalk with a phone, recording federal agents, is exercising a constitutional right — the same right that protects journalists, that disciplines power, that allows a free people to witness what their government does in their name.

Noem either does not know this or does not care. Neither possibility is acceptable. A Secretary of Homeland Security who is ignorant of basic First Amendment law is unqualified; one who knows and lies about it is dangerous. Both failures end in the same place: a quarter-million federal employees receiving the message that constitutional limits are suggestions, that people exercising rights are threats, and that aggression is authorized.

Culture Flows Downhill

Leadership sets tone. Tone becomes culture. Culture becomes conduct. When the secretary defines observation as violence, agents hear permission. Not explicit instruction — they don’t need that. They need the signal that headquarters will defend them, that complaints will be dismissed, and that the people are the problem.

Consider what happened in Minnesota. An ICE agent approached a vehicle, opened with “**Get the fuck out of the car**,” and grabbed the door handle. There was no identification, no explanation, and no attempt at de-escalation. It was immediate aggression, immediate physicality, and an immediate assertion of dominance.

This is not law enforcement; it is **occupation behavior**. It treats the person as a subject, an obstacle, and an enemy. It is the predictable product of a culture that has been told, from the top, that people who observe them are committing violence, that those who document their actions are aggressors, and that constitutional protections are inconveniences to be overcome rather than constraints to be honored. The agent in Minnesota did not invent that posture; he absorbed it from press conferences and from a Secretary who publicly equates recording with attack.

There Is a Better Way

Professional law enforcement knows how to conduct itself. The contrast is not hypothetical: A trained officer approaches calmly, identifies himself, states the purpose of the contact, and provides the subject with information about what is happening and why. He speaks in a tone calibrated to de-escalate rather than provoke, uses force only when necessary and proportionate, and understands that the encounter may be recorded. He conducts himself accordingly — not because the camera constrains him, but because his conduct requires no concealment.

This is not weakness; it is **professionalism**. It is what distinguishes law enforcement from thuggery. The officer who opens with “Get the fuck out of the car” has chosen confrontation over communication and dominance over lawful authority. He has decided, before the encounter develops, that the person is an adversary.

When leadership tells agents that people exercising First Amendment rights are committing violence, the agents learn that those people are threats. When they are threats, aggression is defensive. When aggression is defensive, there is no limit — because you are always justified in defending yourself. This produces broken windows, captives detained for photography, and a department-wide conviction that accountability is persecution.

The Privileges They Believe They Are Entitled To

Federal agents are not combatants in hostile territory; they are public servants exercising delegated authority under constitutional constraint. They have no entitlement to operate in darkness and no right to be unobserved. The privileges of power come with the **obligations of transparency**.

However, DHS under Noem has inverted this. Agents have come to believe they are entitled to unrecorded operations, unquestioned authority, and deference as default. They treat observation as insubordination and the presence of cameras as justification for escalation.

Judge Sara Ellis, issuing a preliminary injunction against DHS conduct in Chicago, found that federal officials' behavior "shocked the conscience". She noted that describing "rapid response networks and neighborhood moms as professional agitators shows just how out of touch these agents are, and how extreme their views are". Out of touch, extreme, and conscience-shocking — that is a federal judge describing the conduct of agents operating under Noem's leadership.

The Accountability Inversion

In a functioning system, the response to a judge finding conduct conscience-shocking would be introspection, discipline, and reform; instead, the administration called her an "activist judge". In a functioning system, agents lying under oath about use of force would face termination and prosecution; yet, the agents remain in their positions.

In a functioning system, a Secretary publicly misstating constitutional law would face correction or resignation. The accountability has been inverted:

- People exercising rights are detained.
- Agents violating rights are defended.
- The observer is criminal; the observed is victim.

This is not dysfunction; it is **design**. When leadership responds to judicial rebuke with defiance, agents learn that courts are obstacles, not authorities.

What Noem Has Built:

- A department where agents believe recording them is illegal.
- A department where profanity and physical aggression are opening moves.
- A department where senior officials testify under oath that arresting people for opposing operations is constitutional.
- A department where lying about use of force produces no consequence.
- A department that responds to judicial injunction by attacking the judge.
- A department that pressures private companies to suppress apps that track its activity.
- A department where a citizen photographing unmarked vehicles gets her window broken and is detained for seven hours.

This is what constitutional illiteracy produces when it pervades a quarter-million-person organization. Noem did not create every problem at DHS, but she has made them worse explicitly, publicly, and deliberately. Her contempt for constitutional limits became her department's operating assumption. She taught them that observation is violence, and they are acting accordingly.

The Alternative

It did not have to be this way. A Secretary who understood the Constitution would have stated that transparency is the foundation of legitimate law enforcement. A Secretary who valued professionalism would have said: “De-escalation is the first tool, not the last”. A Secretary who understood institutional culture would have made it clear that those who violate rights or lie under oath will be held accountable.

None of this was said. The opposite was said, and the opposite is now policy. Kristi Noem should be removed from office. She is unfit to lead an agency whose power depends on limits she does not understand and does not respect. She told them observation is violence; they believed her.